

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff(s),

VS.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, et al.,

Defendant(s).

Case No. 2:16-cv-02765-APG-NJK

ORDER

(Docket No. 16)

Pending before the Court is Plaintiff's motion for order authorizing service of summons and complaint upon Defendant G.J.L., Incorporated, d/b/a Pro Forma Lien & Foreclosure Services, by publication and order enlarging time for service of process. Docket No. 16. The Court finds this motion properly resolved without a hearing. *See* Local Rule 78-1. For the reasons discussed below, Plaintiff's motion, Docket No. 16, is hereby **GRANTED**.

I. Motion to Extend Time for Service

Where good cause is shown, the time for serving the complaint is extended for an appropriate period. *See* Fed. R. Civ. P. 4(m). The motion establishes sufficient cause to extend the time for effectuating service on Defendant until June 26, 2017.

II. Motion for Leave to Serve by Publication

Plaintiff additionally seeks leave to serve Defendant by publication. *Id.* The Federal Rules of Civil Procedure provide for service pursuant to the law of the state in which the district court is located, or in which service is made. *See, e.g.*, Fed. R. Civ. P. 4(e)(1). Pursuant to Rule 4 of the Nevada Rules of Civil Procedure, parties are generally required to personally serve summons and the complaint upon defendants. Nevada law also permits a party to obtain leave for service by

1 publication when the opposing party, *inter alia* “cannot, after due diligence be found within the state,
2 or by concealment seeks to avoid the service of summons.” Nev. R. Civ. P. 4(e)(1). There are
3 several factors courts consider to evaluate a party’s due diligence, including the number of attempts
4 made to serve the party at his residence and other methods of locating the party, such as consulting
5 public directories and family members. *See Abreu v. Gilmer*, 985 P.2d 746, 747 (Nev. 1999);
6 *McNair v. Rivera*, 874 P.2d 1240, 1241 (Nev. 1994); *Price v. Dunn*, 787 P.2d 785, 786-87 (Nev.
7 1990).

8 In this case, Plaintiff’s process servers have attempted unsuccessfully to serve Defendant
9 once at the address listed for its registered agent, five times at the address of one of its officers listed
10 by the Nevada Secretary of State, and three times at another address listed for it by the Nevada
11 Secretary of State. *See, e.g.*, Docket No. 16-1 at 2; Docket No. 16-2 at 2; Docket No. 16-3 at 2;
12 Docket No. 16-4 at 2; Docket No. 16-5 at 3. Thus, the Court finds that Plaintiff has demonstrated
13 sufficient diligence to warrant service by publication.

14 **III. Conclusion**

15 For the reasons discussed above, the Court **GRANTS** Plaintiff’s motion for order authorizing
16 service of summons and complaint upon Defendant G.J.L., Incorporated, d/b/a Pro Forma Lien &
17 Foreclosure Services by publication and order enlarging time for service of process. Docket No. 16.
18 Plaintiff shall comply with the requirements of Nevada Rule of Civil Procedure 4 and shall serve
19 Defendant by publication in a newspaper of general circulation in the State of Nevada on a weekly
20 basis for a period of four weeks. After publication is complete, Plaintiff shall file an Affidavit of
21 Publication from the Nevada newspaper. The deadline to serve Defendant G.J.L., Incorporated d/b/a
22 Pro Forma Lien & Foreclosure Services is hereby **EXTENDED** to June 26, 2017.

23 IT IS SO ORDERED.

24 DATED: April 27, 2017.

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NANCY J. KOPPE
United States Magistrate Judge
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